

# EXHIBIT A

**From:** Feldman, Steven [sfeldman@herrick.com]  
**Sent:** Monday, December 08, 2014 2:30 PM  
**To:** Kenneth R. David  
**Cc:** Aaron H. Marks; Jeremy D. Stallman; Ian C. Spain; O'Shaughnessy, Sharon  
**Subject:** RE: In re Application of the Coalition to Protect Clifton Bay, No. 14 MC 258

Ken-- In terms of the underlying files, we produced all of the responsive files to you. As you can imagine, in a long project there might be responsive clips and non-responsive clips (both audio and video). We produced only the responsive clips as separate files. Non-responsive clips were not produced. A complete FCP project can contain both responsive and non-responsive clips. It is our position that the FCP projects as a whole are responsive (as they consist of mixtures of non-responsive and responsive clips). That is why we produced complete FCP projects to you for subsequent production to the Petitioners. Happy to discuss further if it would be helpful.

We are confirmed to speak with you tomorrow at 4 pm.

Thanks,  
Steve

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**From:** Kenneth R. David [mailto:KDavid@kasowitz.com]  
**Sent:** Monday, December 08, 2014 12:29 PM  
**To:** Feldman, Steven  
**Cc:** Aaron H. Marks; Jeremy D. Stallman; Ian C. Spain; O'Shaughnessy, Sharon  
**Subject:** RE: In re Application of the Coalition to Protect Clifton Bay, No. 14 MC 258

Steve – thanks for the response. Can you please confirm that all of the underlying video and audio files or picture files that make up the Final Cut Pro Files have already been produced to us as individual files. You had previously indicated that that was the case, but we would like to confirm it now that we have the hard drive.

Also, we are available for a call tomorrow afternoon at 4 pm. Thanks.

Ken

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**From:** Feldman, Steven [mailto:sfeldman@herrick.com]  
**Sent:** Monday, December 08, 2014 12:23 PM  
**To:** Kenneth R. David  
**Cc:** Aaron H. Marks; Jeremy D. Stallman; Ian C. Spain; O'Shaughnessy, Sharon  
**Subject:** RE: In re Application of the Coalition to Protect Clifton Bay, No. 14 MC 258

Ken:

I am happy to speak with you on this tomorrow morning or tomorrow afternoon. However, I am not a Final Cut Pro expert and it may be that you need to work with someone skilled in that piece of software. I can share the following insights from Steven who is experienced with the software:

**Folders are named SF-FCP-001, etc.**

Under each folder will be a Media folder, Render Files folder and .fcp project file with the same name as the folder, for example SF-FCP-001.

Click on the SF-FCP-001 project file and it will open in Final Cut Pro 7 (some files may take a few minutes to open) .

From there you can open the sequence and see the clips on the timeline. The files should reconnect but if they don't, right click on either the folder where the offline files are or an individual file and select reconnect media. Then click search. Final Cut will search for the filename, and then reconnect them. If Final Cut thinks it found the filename but it is not the correct file, then exit the search function and click Locate. Then manually search for the file. (Because some of these files exist in multiple locations, check the file path in the reconnect window and navigate to the file path the offline file is located.)

All the render files should be there as well and reconnect automatically, but if the render files are not present a red line will appear above the timeline. Hit Command R and the video will render and the timeline will be playable.

All the files used will be in the top left Browser window.

There are no SF-FCP-011, SF-FCP-030, SF-FCP-031 folders

With SF-FCP-021, because of the size of this project, Steven had some difficulty opening it in FCP7. He converted this file with 7 to X, and it works in Final Cut Pro X.

There will be a few files that are offline, at some point they were deleted off the drives and we do not have them anymore.

Anything with "Original Media" in the filename is for Final Cut Pro X.

Please let me know when you are available to speak. Talk soon.

Very truly yours,  
Steve Feldman

Steven D. Feldman

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**From:** Kenneth R. David [<mailto:KDavid@kasowitz.com>]

**Sent:** Monday, December 08, 2014 10:38 AM

**To:** Kenneth R. David; Feldman, Steven

**Cc:** Aaron H. Marks; Jeremy D. Stallman; Ian C. Spain; O'Shaughnessy, Sharon

**Subject:** RE: In re Application of the Coalition to Protect Clifton Bay, No. 14 MC 258

Steve – please let us know when you can meet and confer about the issues below. We would like to do so as soon as possible to ensure that we comply with the Court's Order.

Ken

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**From:** Kenneth R. David

**Sent:** Thursday, December 04, 2014 3:59 PM

**To:** Feldman, Steven

**Cc:** Aaron H. Marks; Jeremy D. Stallman; Ian C. Spain; O'Shaughnessy, Sharon

**Subject:** Re: In re Application of the Coalition to Protect Clifton Bay, No. 14 MC 258

Steve – thanks for the load file, we will let you know if that resolves the issues.

Also, we received the hard drive containing the FCP projects earlier today. After a brief review of the hard drive, there are a number of issues regarding the production that we would like to discuss with you.

First, it appears that these FCP files are still having technical issues. For instance, when we open SF-FCP-001, Final Cut Pro says it is “unable to locate the following external devices: Apple Firewire NTSC.” When we select continue, the project loads, then gives an error message stating “Some files went offline.” Thus, it appears that these FCP files are still not complete copies. Can you explain why we are having these issues?

Second, we have some questions regarding the file structure on the hard drive, particularly the folders labeled “Audio Render Files,” “Autosave Vault,” and “RESPONSVE FCP.” What is the purpose of these folders? How do they relate to the “SF-FCP” folder, which appears to contain the Final Cut Pro project files and associated clips? Generally, can you explain the folder structure and what we are looking at?

Finally, it appears from a cursory review that many of these files are duplicative of those that we have already reviewed. Please confirm that, as you indicated previously, you have already produced all responsive clips within these Final Cut Pro Files as separate clips.

As you know I am out of them office this afternoon and tomorrow morning-early afternoon, but could have a call later tomorrow afternoon or Monday morning. Please let us know what works for you.

Thanks,

Ken

On Dec 4, 2014, at 2:21 PM, Feldman, Steven <[sfeldman@herrick.com](mailto:sfeldman@herrick.com)> wrote:

Ken--

Please see the attached replacement load file containing Bates range SF-E-00000243 through SF-E-00002152. Please let me know if this solves the problem.

Thanks,

Steve Feldman

**Steven D. Feldman**

<image001.jpg>

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**From:** Kenneth R. David [<mailto:KDavid@kasowitz.com>]

**Sent:** Wednesday, December 03, 2014 6:20 PM

**To:** Feldman, Steven

**Cc:** Aaron H. Marks; Jeremy D. Stallman; Ian C. Spain; O'Shaughnessy, Sharon

**Subject:** RE: In re Application of the Coalition to Protect Clifton Bay, No. 14 MC 258

Steve –

We received a production from you today containing Bates range SF-E-00000243 - SF-E-00002152. Our Lit Support group informed us that there was an error in the load file that accompanied the production resulting in Concordance skipping the first 26 documents and not loading them properly, creating a gap in the Bates range between SF-E-00000242 - SF-E-00002095. Can you please provide a replacement load file as soon as possible.

Thanks,

Ken

Kenneth R. David

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**From:** Feldman, Steven [<mailto:sfeldman@herrick.com>]

**Sent:** Wednesday, December 03, 2014 4:59 PM

**To:** Kenneth R. David

**Cc:** Aaron H. Marks; Jeremy D. Stallman; Ian C. Spain; O'Shaughnessy, Sharon

**Subject:** RE: In re Application of the Coalition to Protect Clifton Bay, No. 14 MC 258

Ken--

The hard drive is being sent via Fed Ex, not by hand, as I failed to change the heading on the letter to "By Hand," and my secretary thought we were sending this the same way we sent the files out yesterday. The cover letter is attached. Please look out for the Fed Ex delivery in the morning. I apologize for the confusion.

Thank you,

Steve

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**From:** Feldman, Steven  
**Sent:** Wednesday, December 03, 2014 11:55 AM  
**To:** 'Kenneth R. David'  
**Cc:** Aaron H. Marks; Jeremy D. Stallman; Ian C. Spain; O'Shaughnessy, Sharon  
**Subject:** In re Application of the Coalition to Protect Clifton Bay, No. 14 MC 258

Ken--

We are sending out to you shortly by-hand a 4 TB hard drive containing the Final Cut Pro files. The process of making a copy of the drive did not get completed until last night after hours, so we held off on sending it out until today. It will be on the way shortly. Thanks.

Steve

**Steven D. Feldman**  
<image001.jpg>  
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